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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN GILLARD, MIKE MADANI, SHANT
BAKALIAN, ERIC WALLEY, and RICHARD
DEVICO, on behalf themselves and all others
similarly situated,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF AMERICA,
INC., VOLKSWAGEN AG, and AUDI AG
Defendants.

Case No. 4:17-cv-07287-HSG

**STIPULATION AND ORDER TO
EXTEND BRIEFING
SCHEDULE**

1 Pursuant to L.R. 6-1(b), 6-2, and 7-12, Plaintiffs (“Plaintiffs”) and Defendants (“Defendants”)
2 (collectively, the “Parties”) enter into this stipulation with reference to the following facts and recitals:

3 WHEREAS, on August 8, 2019 the Court entered an Order granting in part and denying in part
4 Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint; ordering a Third Amended
5 Pleading to be filed on or before August 22, 2019; (Dkt. 84);

6 WHEREAS, Plaintiffs filed their Third Amended Complaint (“TAC”) on August 19, 2019
7 (Dkt. 86);

8 WHEREAS, Defendants filed their Motion to Dismiss the TAC (“MTD”) on September 24,
9 2019 and the clerk’s docketing entry set a response date of October 7, 2019; replies due by October
10 15, 2019; and scheduled a hearing on the MTD for February 6, 2020 (Dkt. 91);

11 WHEREAS, Plaintiffs’ counsel require a brief extension on their response to address the issues
12 raised in the MTD;

13 WHEREAS, the Parties have met and conferred and have jointly agreed, subject to the Court’s
14 approval, that Plaintiffs’ response to the MTD shall be filed on or before October 21, 2019; that
15 Defendants’ reply shall be filed on or before November 7, 2019; that the hearing date on the MTD
16 shall remain as docketed on February 6, 2020, based on the court’s publicized calendar, unless the
17 court wishes to re-schedule the hearing for an earlier date;

18 WHEREAS, the requested extensions will not affect any other schedules in the case;

19 Plaintiffs and Defendants stipulate and agree as follows and request the Court enter an Order
20 as follows:

21 1. Plaintiffs’ response to Defendants’ Motion to Dismiss the Third Amended Complaint
22 shall be filed on or before October 21, 2019;

23 2. Defendants’ Reply to Plaintiffs’ response shall be filed on or before November 7, 2019;

24 3. Hearing on the Motion to Dismiss will be held on February 6, 2020 or on such earlier
25 date if the court so advises;

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IT IS SO STIPULATED.

Dated: October 1, 2019

Respectfully submitted,

SIMMONS HANLY CONROY

By: /s/ Mitchell M. Breit
MITCHELL M. BREIT

Attorneys for Plaintiffs

HERZFELD & RUBIN, P.C.

By: /s/ Michael B. Gallub
MICHAEL B. GALLUB

Attorneys for Defendants.

Dated: October 1, 2019

Pursuant to L.R. 5-1(i), I attest that concurrence in the filing of this document has been obtained from the other signatories.

By: /s/ Mitchell M. Breit
Mitchell M. Breit


1 **ORDER**

2 Pursuant to the parties' stipulation, the Court hereby orders as follows:

- 3 1. Plaintiffs' response to Defendants' Motion to Dismiss the Second Amended Complaint
4 shall be filed on or before October 21, 2019;
- 5 2. Defendants' Reply to Plaintiffs' response shall be filed on or before November 7, 2019;
- 6 3. Hearing on the Motion to Dismiss and the Case Management Conference will be held on
7 February 6, 2020 or on such earlier date if the court so advises.
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9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

10 Dated: 10/3/2019

11 
12 Hon. Haywood S. Gilliam, Jr.
13 United States District Judge

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